

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN RAMIREZ CAMPOS,

Defendant.

CR. NO. 95-0020 EJG

CIV. NO. S-09-0375 EJG

ORDER DENYING CERTIFICATE OF
APPEALABILITY

Defendant, a federal prisoner proceeding pro se, filed a § 2255 motion to vacate, set aside or correct his sentence on January 14, 2009, which motion the court denied by order filed April 8, 2009. Defendant filed a Notice of Appeal from that order April 23, 2009. On August 5, 2009, the Ninth Circuit remanded the case to this court for the limited purpose of granting or denying a certificate of appealability.¹

A certification may issue "only if [defendant] has made a substantial showing of the denial of a constitutional right." 28

¹ The Ninth Circuit order incorrectly lists the district court civil case number as 07cv2196. *That* case was defendant's initial § 2255 petition, denied by the district court in January of 2008, a certificate of appealability for which was denied by the appellate court November 14, 2008, a copy of which is attached.

1 U.S.C. § 2253(c)(2). The court must either issue a certificate
2 of appealability indicating which issues satisfy the required
3 showing or must state the reasons why such a certificate should
4 not issue. Fed. R. App. 22(b)(1). For the reasons articulated by
5 the court in its April 9, 2009 order, defendant's motion is
6 procedurally time-barred and substantively deficient. Therefore,
7 defendant has failed to make a substantial showing of the denial
8 of a constitutional right and the request for a certificate of
9 appealability is DENIED.

10 IT IS SO ORDERED.

11 Dated: August 6, 2009

12 /s/ Edward J. Garcia
13 EDWARD J. GARCIA, JUDGE
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